

THE HONORABLE JAMES L. ROBERT

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MICHAEL BOBOWSKI, ALYSON BURN,	)	
STEVEN COCKAYNE, BRIAN CRAWFORD,	)	Case No. C10-1859-JLR
DAN DAZELL, ANGELO DENNINGS,	)	
CHEYENNE FEGAN, SHARON FLOYD,	)	
GREGORY GUERRIER, JOHANNA	)	OBJECTIONS TO THE SUBPOENA
KOSKINEN, ELENA MUNOZ-ALAZAZI	)	FOR DOCUMENTS
TSANG, and KYLE WILLIAMS, on behalf of	)	
Themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	NOTE ON MOTION CALENDAR:
	)	Wednesday, December 19, 2012 at
v.	)	3:00 p.m.
	)	
CLEARWIRE CORPORATION,	)	
	)	
Defendant.	)	

Gordon Morgan and Jeremy De La Garza, through counsel, serve these objections to the subpoena for documents in accordance with Rule 45(c)(2)(B) of the Federal Rules of Civil

Procedure as follows:

The following documents have been sought by subpoena from Messrs. Morgan and De La Garza (Exhibits A and B attached hereto):

Any documentation supporting the matters set forth in your Objection to the Proposed Class Settlement and Award of Attorneys' Fees and Expenses (Document 76 in the above-captioned matter), as well as any and all documents related to any objection to a settlement you have ever filed, either through counsel or pro se, including any and all documents related to any compensation, financial or otherwise, promised and/or paid in connection with such an objection.

Messrs. Morgan and De La Garza object as follows to the above requests:

1. The request for "[a]ny documentation supporting the matters set forth in your Objection..." is overly broad, vague and ambiguous.
2. The request for "any and all documents related to any objection to a settlement you have ever filed...including any and all documents related to any compensation..." is likewise overly broad, vague and ambiguous.

- 1           3.       The request for “any and all documents related to any objection to a settlement you have  
2                   ever filed...including any and all documents related to any compensation...” also seeks  
3                   irrelevant evidence related to other class action settlements where Messrs. Morgan and  
4                   De La Garza may have objected. Moreover, because the document request is framed in  
5                   terms of “any and all documents related to any objection to a settlement you have ever  
6                   filed...” it could also be construed as directly seeking attorney client privileged  
7                   communications, attorney work product, and documents protected by other privileges and  
8                   immunities. Objection is made to the extent this document request could require  
9                   disclosure of privileged or other protected information, the extent of which cannot be  
10                  fully determined due to the vague and ambiguous nature of the request. Objection is also  
11                  made that production of any documentation related to other objections subjects the  
12                  witnesses to undue burden and expense, particularly in light of the irrelevant nature of the  
13                  request for documents related to other objections. Objection is also made to the extent  
14                  that the document request could be construed as seeking documents that contain sensitive  
15                  business information, that are trade secrets or contain confidential information; again, due  
16                  to the extremely broad nature of the request, it is impossible at this juncture to determine  
17                  with any specificity which documents are sought and therefore which confidential  
18                  information may be implicated.
- 19           4.       The subpoena does not allow sufficient time to comply with the document request. The  
20                   subpoenas compelling the production of documents were served on Messrs. Morgan and  
21                   De La Garza on December 13, 2012. The deadline for the production of documents was  
22                   originally December 18, 2012, but the deposition date was changed to accommodate the  
23                   witnesses’ schedules to December 17, 2012. The deadline for the production of  
24                   documents was not changed from December 18, 2012. There are only 2 business days  
25                   between the date of service of the subpoena – December 13 – and the date for compliance  
26                   documents was not changed from December 18, 2012. There are only 2 business days  
27                   between the date of service of the subpoena – December 13 – and the date for compliance  
28                   documents was not changed from December 18, 2012. There are only 2 business days

1 with the document request portion of the subpoena – December 18. That is insufficient  
2 time for a non-party to comply with the document request and objection is made on that  
3 basis. It should be noted that as a courtesy to class counsel, these objections are being  
4 served a day early, as the document production (and therefore this objection) is not due  
5 until December 18, 2012.

- 6 5. Messrs. Morgan and De La Garza reserve their right to object with more specificity as to  
7 individual documents and to produce a privilege log if necessary given the lack of clarity  
8 in the requests.  
9

10 Dated this the 17<sup>th</sup> day of December 2012.  
11  
12

13 Respectfully submitted,

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**PROOF OF SERVICE**

I certify that a true and correct copy of the foregoing document has been forwarded to all counsel via CM-ECF filing on this the 17th day of December 2012.

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